

ROBERT S. YOUNG, JR.
LINDSAY YOUNG
ROBERT S. MARQUIS
ROBERT S. STONE
J. CHRISTOPHER KIRK
MARK K. WILLIAMS
JANIE C. PORTER
GREGORY E. ERICKSON
R. SCOTT ELMORE
TAMMY KAUSIAS
BENÉT S. THEISS

McCAMPBELL & YOUNG

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

2021 PLAZA TOWER
POST OFFICE BOX 550
KNOXVILLE, TENNESSEE 37901-0550

(615) 637-1440
TELECOPIER (615) 546-9731

ORIGINAL
FILE

H. H. McCAMPBELL, JR. (1905-1974)
F. GRAHAM BARTLETT (1920-1982)

ALSO ADMITTED IN
VIRGINIA.

ROBERT S. MARQUIS

December 28, 1992

Via Federal Express

The Honorable Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

ATTN: Allocations Branch
Policy and Rules Division

Re: MM Docket No. 92-227

Dear Ms. Searcy:

Enclosed please find an original and four (4) copies of the *Reply Comments of Orchon Broadcasting Company*, submitted herewith on behalf of our client, Orchon Broadcasting Company. Also enclosed is an additional copy of the pleading to be returned to us in the enclosed postage paid, self-addressed envelope after it has been date stamped by your office.

Should you or any members of your staff have questions concerning the enclosed, please contact the undersigned for clarification. Thank you for your cooperation in this matter.

Very truly yours,

MCCAMPBELL & YOUNG, P.C.

By: 

Robert S. Stone

RSS/dlb
Enclosures

cc: Orchon Broadcasting Company
Service List

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DEC 29 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 29 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of) MM Docket No. 92-227
)
Amendment of Section 73.202(b),) RM-8070
Table of Allotments, FM Broadcast) RM-8072
Stations. (Eatonton, Fayetteville,)
Greenville, Griffin, Hogansville,)
Sparta and Thomaston, Georgia, and)
Ashland, Alabama, and Valley, Alabama.)

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To: Chief, Allocations Branch

REPLY COMMENTS OF ORCHON BROADCASTING COMPANY

Orchon Broadcasting Company, permittee of WEJG(FM) (applied for), Greenville, Georgia ("Orchon"), by its attorneys, and pursuant to the Commission's *Notice of Proposed Rule Making and Order to Show Cause*, DA 92-1306, released October 23, 1992 ("NPRM"), hereby respectfully submits its *Reply Comments* to the Comments of Good Medicine Radio, GA, Inc. and Design Media, Inc. and Comments and Counterproposal of T. Wood and Associates, Inc. ("Counterproposal").¹

1. Orchon has carefully reviewed the Counterproposal, and agrees that all of the interested parties in this proceeding may achieve their respective goals of enhanced and expanded service to the public through the Commission's adoption of the Counterproposal. To that end, Orchon supports and endorses the Counterproposal, including the requirement that Orchon amend its proposed reference coordinates for Greenville FM Channel 239C3, as well as the site now

¹ In addition to the Counterproposal, Comments were filed by Perry Communications, Inc., licensee of WASZ-FM, Ashland, Alabama and Radio Georgia, Inc., licensee of WTGA-FM, Thomaston, Georgia. In light of Orchon's support of the Counterproposal as set forth herein, no reply to the Comments of WASZ-FM or WTGA-FM is necessary.

proposed in its pending application for modification of construction permit (BMPH-920811ID) in order to protect WUAF(FM), Valley, Alabama, who would operate on FM Channel 237A under the terms of the Counterproposal. In addition, Orchon agrees to waive any right to reimbursement as a result of the above changes which might be attributed to the adoption by the Commission of the Counterproposal.² Orchon reconfirms its intention to promptly submit a construction permit modification application upon issuance by the Commission of its *Report and Order*, adopting the revised Table of Allotments as set forth in the Counterproposal, including amendment of its now pending construction permit modification application as set forth above. Upon grant of its construction permit application as amended, Orchon reaffirms its commitment to promptly construct its station consistent with the terms of its construction permit as modified.

2. Thus, the plan set forth in the Counterproposal would obviate the need for a comparison of the population gains and losses attending Option I and Option II as described in the NPRM. For that reason, no "gain area study" is required in order to evaluate the public interest benefits of either option as described in *Greenup, Kentucky and Athens, Ohio*, 6 FCC Rcd. 1493 (1991).

3. Based upon the Counterproposal's ability to satisfy each request for improved FM service in this proceeding, including the most recently suggested upgrade of station WEIZ(FM), Hogansville, Georgia, to Class C3 operation, Orchon respectfully submits that the public interest would be served by the Commission's adoption of a *Report and Order*, amending the Commission's Table of FM Allotments as suggested by the Counterproposal. In light of the above benefits, Orchon submits that the cases to which its own Comments, filed December 14,

² Similarly, Orchon has reached an agreement with respect to the sharing of reimbursed costs incurred by WUAF(FM) in changing from FM Channel 251A to FM Channel 237A at Valley, Alabama.

1992 refer may be distinguished. None of the cases cited by Orchon therein involved the number or extent of improved FM service as has now been presented by the Counterproposal. Thus, Orchon submits that adoption of the Counterproposal by the Commission would be fully consistent with the Commission's previous decisions in FM allotment cases and would further advance the Commission's allotment criteria set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC2d 88, 51 R.R. 2d 807 (1982).

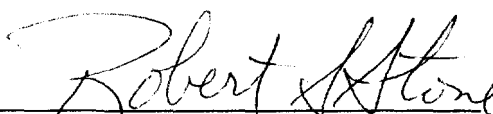
WHEREFORE, premises considered, Orchon Broadcasting Company respectfully urges the Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, to adopt a *Report and Order* consistent with the Counterproposal set forth by Good Medicine Radio, Georgia, Inc., Design Media, Inc., and T. Wood and Associates, Inc., filed December 14, 1992.

DATED this 28th day of December, 1992.

Respectfully Submitted,

ORCHON BROADCASTING COMPANY

MCCAMPBELL & YOUNG, P.C.
Attorneys for Orchon Broadcasting Company

By: 
Robert S. Stone

MCCAMPBELL & YOUNG
A Professional Corporation
2021 Plaza Tower
Post Office Box 550
Knoxville, TN 37901-0550
(615) 637-1440

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Reply Comments of Orchon Broadcasting Company has been served, this 28th day of December, 1992, upon all counsel or parties as listed below at interest in this cause by delivering a true and exact copy to the offices of said counsel or parties or by placing a copy in the United States mail addressed to said counsel or parties at his/her office, with sufficient postage to carry it to its destination, or by special overnight courier.

Radio Georgia, Inc.
Station WTGA(FM)
208 South Center Street
Thomaston, GA 30286

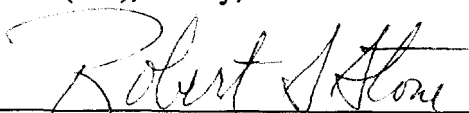
WASZ
Box 395
Ashland, AL 36251

T. Wood and Associates, Inc.
Station WEIZ(FM)
Box 1114
LaGrange, GA 30240

Dan J. Alpert, Esq.
1250 Connecticut Avenue, N.W.
7th Floor
Washington, D.C. 20036

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8318
Washington, D.C. 20554

M. Scott Johnson, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900
Washington, D.C. 20005
Counsel for WUAF(FM), Valley, Alabama


Robert S. Stone